



# Social Security Act 1975

## 1975 CHAPTER 14

### PART II

#### BENEFIT AND ITS ADMINISTRATION

### CHAPTER IV

#### BENEFIT FOR INDUSTRIAL INJURIES

##### *General provisions as to benefit*

#### **50 Descriptions of industrial injuries benefits**

- (1) Subject to the provisions of this Act, where an employed earner suffers personal injury caused after 4th July 1948 by accident arising out of and in the course of his employment, being employed earner's employment, there shall be payable to or in respect of him the industrial injuries benefits specified below in this section.
- (2) The benefits are—
  - (a) injury benefit, payable to the earner in accordance with section 56 below if during the period specified in subsection (4) of that section he is, as the result of the injury, incapable of work ;
  - (b) disablement benefit (by way of gratuity or pension), payable to the earner in accordance with sections 57 to 63 below if he suffers, as the result of the injury, from loss of physical or mental faculty ;
  - (c) industrial death benefit, payable in accordance with sections 67 to 75 below to the person specified in those sections, if the earner dies as a result of the injury.
- (3) For the purposes of this Chapter, an accident arising in the course of an employed earner's employment shall be deemed, in the absence of evidence to the contrary, also to have arisen out of that employment.

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- (4) Regulations may provide for treating an employed earner for the purposes of this Chapter as incapable of work as the result of an accident or injury when he would not be so treated apart from the regulations, and may also make provision—
- (a) as to the days which, in the case of an employed earner who at any time is or is to be treated as incapable of work as the result of an accident or injury, are or are not to be treated for the purposes of industrial injuries benefit as days of incapacity for work; and
  - (b) as to the day which, in the case of night workers and other special cases, is to be treated for the purpose of such benefit as the day of the accident.
- (5) Subject to sections 129, 131 and 132 of this Act (mariners, airmen, continental shelf workers and others), industrial injuries benefit shall not be payable in respect of an accident happening while the earner is outside Great Britain.

## **51 Relevant employments**

- (1) In this Chapter and Chapter V below "employed earner's employment" shall be taken to include any employment by virtue of which a person is, or is treated by regulations as being for the purposes of industrial injuries benefit, an employed earner.
- (2) Regulations may provide for any prescribed employment not to be treated for the purposes of industrial injuries benefit as employed earner's employment notwithstanding that it would be so treated apart from the regulations.
- (3) For the purposes of this Chapter an employment shall be an employed earner's employment in relation to an accident if (and only if) it is, or is treated by regulations as being, such an employment when the accident occurs.

## **52 Earner acting in breach of regulations, etc.**

An accident shall be deemed to arise out of and in the course of an employed earner's employment, notwithstanding that he is at the time of the accident acting in contravention of any statutory or other regulations applicable to his employment, or of any orders given by or on behalf of his employer, or that he is acting without instructions from his employer, if—

- (a) the accident would have been deemed so to have arisen had the act not been done in contravention of any such regulations or orders, or without such instructions, as the case may be ; and
- (b) the act is done for the purposes of and in connection with the employer's trade or business.

## **53 Earner travelling in employer's transport**

- (1) An accident happening while an employed earner is, with the express or implied permission of his employer, travelling as a passenger by any vehicle to or from his place of work shall, notwithstanding that he is under no obligation to his employer to travel by that vehicle, be deemed to arise out of and in the course of his employment if—
  - (a) the accident would have been deemed so to have arisen had he been under such an obligation ; and
  - (b) at the time of the accident, the vehicle—

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- (i) is being operated by or on behalf of his employer or some other person by whom it is provided in pursuance of arrangements made with his employer; and
- (ii) is not being operated in the ordinary course of a public transport service.

(2) In this section references to a vehicle include a ship, vessel, hovercraft or aircraft.

#### **54 Accidents happening while meeting emergency**

An accident happening to an employed earner in or about any premises at which he is for the time being employed for the purposes of his employer's trade or business shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps, on an actual or supposed emergency at those premises, to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property.

#### **55 Accident caused by another's misconduct, etc.**

- (1) An accident shall be treated for the purposes of this Chapter, where it would not apart from this section be so treated, as arising out of an employed earner's employment if—
- (a) the accident arises in the course of the employment; and
  - (b) the accident either is caused by another person's misconduct, skylarking or negligence, or by steps taken in consequence of any such misconduct, skylarking or negligence, or by the behaviour or presence of an animal (including a bird, fish or insect), or is caused by or consists in the employed earner being struck by any object or by lightning ; and
  - (c) the employed earner did not directly or indirectly induce or contribute to the happening of the accident by his conduct outside the employment or by any act not incidental to the employment.
- (2) This section applies only to accidents happening after 19th December 1961.